

Attorney Docket No.: DRE-0055
Inventors: Laurencin et al.
Serial No.: 09/878,641
Filing Date: June 11, 2001
Page 4

REMARKS

Claims 1-11 are pending in the instant application. Claims 1-11 have been rejected. Claims 1 and 2 have been amended. No new matter has been added by these amendments. Reconsideration is respectfully requested in light of these amendments and the following remarks.

Rejection of Claims 1-11 under 35 U.S.C. § 103(a)

Claims 1 and 6 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hlavacek et al. in view of Chervitz.

Claims 2-5 and 7-11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hlavacek et al. in view of Chervitz, and further in view of Vacanti.

Arguments presented by Applicants in the previous response regarding differences between the degradable porous polymeric fibers used in the present invention and the ultra high weight polyethylene fibers of Chervitz were not found convincing because the Examiner suggests that the independent claims of the instant application are open-ended and thus may comprise a nonabsorbable component of high strength/modulus polyethylene.

Accordingly, in an earnest effort to advance the prosecution

Attorney Docket No.: DRE-0055
Inventors: Laurencin et al.
Serial No.: 09/878,641
Filing Date: June 11, 2001
Page 5

of this case and to clearly distinguish the present invention from prior art teachings such as Chervitz et al. relating to different fibers, claims 1 and 2 have been amended to be drawn to replacement constructs for tendons or ligaments consisting essentially of a degradable, porous, polymeric fiber-based, three-dimensional braided scaffold formed using a three-dimensional textile braiding technique and replacement constructs for tendons or ligaments consisting essentially of a degradable polymeric fiber-based, three-dimensional braided scaffold formed using a three-dimensional textile braiding technique and seeded with cells, ingrowth of which is supported by the scaffold, respectively.

As none of the prior art references alone or combination teach or suggest a construct consisting essentially of a degradable, porous, polymeric fiber-based braided scaffold, the cited combination of prior art cannot render obvious the independent claims as amended and claims dependent therefrom.

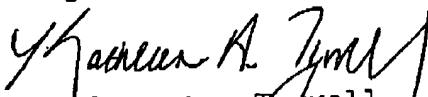
Withdrawal of these rejections under 35 U.S.C. § 103(a) is therefore respectfully requested.

Attorney Docket No.: DRE-0055
Inventors: Laurencin et al.
Serial No.: 09/878,641
Filing Date: June 11, 2001
Page 6

Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,


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Date: June 28, 2004

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